

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

v. :

**ATTORNEY AFFIRMATION**

08 Cr. 124 (DLC)

JOSEPH JORDAN, :

Defendant. :

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I, Fiona Doherty, hereby declare under the penalties of perjury, pursuant to 28 U.S.C. § 1746, that:

1. I am an Assistant Federal Defender with the Federal Defenders of New York. I have been appointed by the Court to represent JOSEPH JORDAN in this action. I make this affirmation in support of a motion to suppress Ms. Jordan's post-arrest statements, which were made on or about January 11, 2008.

2. The statements contained in this affirmation are based upon my review of the Superseding Indictment and other documents provided by the Government in discovery, as well as on Mr. Jordan's April 1, 2008 affirmation in support of this motion.

3. On January 11, 2008, Mr. Jordan was arrested by two agents with the Federal Bureau of Investigation (the "FBI") and a detective with the New York City Police Department (the "NYPD"). See Exhibit A (February 12, 2008 FBI Report). He was arrested in the vicinity of Essex Street on the Lower East Side of Manhattan. Id. Special Agents Thomas MacDonald and Michael Burgwald, the two FBI agents who participated in the arrest, prepared a report of a number of statements that Mr. Jordan allegedly made at the time of the arrest. Id. These included statements about Mr. Jordan's current address, as well as the following "utterances": "I

knew I shouldn't have messed with her'; 'I suspect I pissed off the aunt from London' ('her aunt the ambassador').” Id. The report also indicates that after making these statements, Mr. Jordan was transported to the FBI's New York Field Office for post-arrest processing. Id. No mention is made on the FBI report of whether Mr. Jordan was informed of his Miranda rights. Id.

4. According to a separate FBI report, Mr. Jordan also made statements on the day of his arrest while being escorted during processing at the 109<sup>th</sup> Police Precinct in Flushing, New York. See Exhibit B (February 1, 2008 FBI Report). This report was prepared by Special Agent Brandon Waller. Id. While Mr. Jordan was being escorted, according to this report, he asked if Simone Thenault had indicated that he had threatened either her or her mother. Id. Mr. Jordan then reportedly made various statements about a series of interactions he had with Ms. Thenault and her aunt, who was the Ambassador for Trinidad and Tobago to the United Kingdom. Id. In addition, Mr. Jordan reportedly asked whether he was being charged with assaulting Ms. Thenault and described an encounter between them in a bathroom. Id. Finally, Mr. Jordan made statements in response to questions about the return of his property. Id. No mention is made on Agent Waller's report about whether Mr. Jordan was informed of his Miranda rights. Id.

5. Mr. Jordan's version of these events differs materially. Although Mr. Jordan acknowledges having made statements to the agents, he maintains that these statements were all made at an FBI office. See Jordan Affirmation ¶ 4. Furthermore, he indicates that after he arrived at the FBI office, he was brought into a room and asked to sign a document, which said in sum and substance that he would agree to talk to the agents. Id. ¶ 3. According to Mr. Jordan, he refused to sign the document and informed the agents that he wanted a lawyer present for any questioning. Id.

6. Mr. Jordan recalls that the agents indicated that they could arrange for him to receive the assistance of counsel, but then continued to question him despite his request for a lawyer. Id. ¶ 4. In response to their questions, he made statements about Ms. Thenault's aunt in London, as well as statements concerning Ms. Thenault and her mother. Id. He also made statements concerning a Connecticut warrant. Id. He does not believe that any of these statements were made before he requested the assistance of counsel. Id.

WHEREFORE, it is respectfully requested that this Court enter an order suppressing Mr. Jordan's post-arrest statements. In the alternative, the Court should order a hearing on Mr. Jordan's motion to suppress the statements.

I declare under the penalty of perjury that the foregoing is true and accurate.

Dated: New York, New York  
May 8, 2008

  
FIONA DOHERTY, ESQ.

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/12/2008

On January 11, 2008 (Friday) PATRICK JAMES JORDAN was arrested at the northeast corner of Essex Street and Grand Street in the lower East Side section of Manhattan, New York. JORDAN was arrested by Federal Bureau of Investigation (FBI) Special Agents Thomas P. MacDonald and Michael A. Burgwald, and New York City Police Department (NYPD) Detective Paul Courtney.

At the time of his arrest, for identification purposes, JORDAN produced Delaware identification card #9358897, for PATRICK JAMES JORDAN, Date of Birth: July 12, 1968, of 73 Greentree Drive, Apartment 543, Dover, Delaware. JORDAN was advised that he was arrested on authority of a federal fugitive warrant. JORDAN made the following utterances at the time of his arrest: "I knew I shouldn't have messed with her"; "I suspect I pissed off the aunt from London" ("her aunt the ambassador"). These statements were recorded (notes) by SA Burgwald. JORDAN also advised that his current residence was 245 Main Street, Second Floor, Brooklyn (Greenpoint), New York. After his arrest JORDAN was transported to the FBI's New York Field Office by Special Agent Burgwald and Detective Courtney for post-arrest processing. JORDAN was subsequently transferred to the custody of Detective Courtney, FBI Special Agent Brandon M. Waller and Deputy Steven Panepinto of the United States Marshals Service.

The following biographical information was obtained for JORDAN:

FULL NAME:	PATRICK JAMES JORDAN
SEX:	Male
RACE:	White
HAIR:	Blonde
EYES:	Blue
HEIGHT:	5'11"
WEIGHT:	168
DOB:	July 12, 1968
POB:	Lakewood, New Jersey
AGE:	39
SSAN:	592-05-7272
RESIDENCE:	73 Greentree Drive Apartment 543 Dover, Delaware 19904
CELLULAR:	(646) 403-7118

Investigation on 01/11/2008 at New York, NY

by 88A-NH-43854; 9A-NY-298967-<sup>45</sup> P Date dictated n/a  
SA Thomas P. MacDonald:tpm  
SA Michael A. Burgwald:ms

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/01/2008

PATRICK JORDAN, aka JOSEPH JORDAN, aka DOUGLAS FIDLER was arrested on January 11, 2008 in the vicinity of Rivington St and Essex St, in Manhattan on a Federal warrant issued by the Federal District of Connecticut.

While in FBI custody, JORDAN was told that he was arrested on an outstanding state warrant from Connecticut. He stated that he had not lived in Connecticut and that he could not be the individual who was wanted there. The biographical information he provided, as indicated on the U.S. Marshals Service Form 312 was that his address was in Delaware (he has a non-driver's identification from that state) and that his social security number was 593-05-7272. The results of the fingerprint search indicated that he was the same individual (under the name of JOSEPH JORDAN) who was wanted in both Connecticut and Massachusetts. That same identification produced a number of aliases, birth dates, and social security numbers.

JORDAN was then transported to the 109th police precinct of the New York City Police Department in Flushing, New York for arrest processing on a NYPD state charge as well as for open warrants from Connecticut and Massachusetts.

While being escorted during processing, JORDAN made various inquiries and statements. He asked if SIMONE (known as SIMONE THENAULT) had said that he threatened her mother (DIANA DODSON) or her. He was told that that issue was an NYPD matter. He then stated that he had said mean things which he regretted but did so in the course of an argument. He stated that she told him that he was ugly and that he replied that she was black and that he regretted saying that. Additionally, he asked if the FBI involvement was due to SIMONE's aunt who was the Trinidad and Tobago Ambassador to the United Kingdom. He then stated that if the Ambassador said he threatened her, that the FBI should ask her to prove it because he did not. He stated that he said things he regretted but at no time did he make threatening statements to her. He then stated that when he called SIMONE from a number he did not know, the Ambassador got on the phone and actually threatened him. He stated that she told him that if he comes to London, he will not be going back and made a reference that she was of Haitian descent and that Haitians can deal with things. JORDAN then asked if the

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Investigation on 1/11/2008 at Queens, New Yorke # 9A-NY-298967Date dictated N/Aby SA Brandon M. Waller

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Continuation of FD-302 of PATRICK JORDAN, On 1/11/2008, Page 2

NYPD charge was for assaulting SIMONE. He then stated that he was working in her bathroom when he found her cell phone and thought she might be talking to an old boyfriend. She demanded the cell phone back and was grabbing for the cell phone. In response he tried to wave her off and caused her to fall into the bathtub resulting in her injuring her back. He stated that he did not mean to cause that and offered to take her to the hospital but she stated that she did not need to go.

JORDAN was asked who he wanted his property to be returned to. He stated that he wanted his friend SEBASTIAN (known as SEBASTIAN MAYER) to receive his belongings. JORDAN also stated that he lived in Greenpoint, Brooklyn but would not provide the actual address.